



August 5, 2009

Letters to the Editor
The New York Times
620 Eighth Avenue
New York, NY

To the Editor:

We are writing to notify you that the July 29, 2009 New York Times article entitled "Supplements For Athletes Draw Alert From FDA" contains misleading and erroneous information regarding 1) the regulation of dietary supplements and 2) a press release issued by the Food and Drug Administration on July 28, 2009 concerning body-building products that contain steroids or steroid-like substances.

Under federal law, products containing synthetic steroids are not dietary supplements but are illegal drugs, as FDA explicitly states in its July 28 release: "Although these products are marketed as dietary supplements," FDA writes, "they are not dietary supplements, but instead are unapproved and misbranded drugs." The July 29 New York Times article, not only fails to accurately report this fact, but conveys contradictory information, including the identification of these illegal products as "supplements."

The article also incorrectly asserts that FDA "has authority to act only after it has received reports of serious health problems." The Food, Drug & Cosmetic Act prohibits the sale of adulterated and misbranded drugs and foods, including dietary supplements. The law authorizes FDA to take action, including criminal prosecution, against any company making or selling a drug or dietary supplement that is adulterated or misbranded. It is a strict criminal liability statute, no criminal intent need be shown.

We believe your readers deserve truthful information and respectfully request that you correct these errors. Thank you in advance for your rectification of this misinformation.

Sincerely,

Michael McGuffin
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